

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

**SHERRY L. BODNAR, on Behalf of herself
and All Others Similarly Situated,**

Plaintiff,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 5:14-cv-03224-EGS

**PLAINTIFF'S UNOPPOSED MOTION FOR CERTIFICATION OF A
SETTLEMENT CLASS AND FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Sherry Bodnar, by her undersigned counsel, respectfully moves for an Order pursuant to Rule 23(e) of the Federal Rules of Civil Procedure granting final approval of a Settlement Agreement¹ between Plaintiff, individually and as representative of the Settlement Class as defined in the Settlement Agreement, and Defendant Bank of America, N.A. (“Bank of America”).

Pursuant to the Settlement Agreement, Bank of America has agreed, in exchange for the release of claims by Plaintiff and the Settlement Class in this litigation, to provide a non-reversionary Settlement Fund of \$27,500,000. Under the settlement, current and former Bank of America accountholders who incurred relevant Overdraft Fees will receive automatic distributions of pro rata shares of the Net Settlement Fund. Bank of America also agrees to send a supplemental notice to current accountholders describing the debit card processing and overdraft fee policies at issue in this litigation.

¹ All defined terms referenced in this Motion and the accompanying Plaintiff's Memorandum In Support of Unopposed Motion For Certification of a Settlement Class and Preliminary Approval of Class Action Settlement are the same as those defined in the Settlement Agreement, attached as Exhibit B to the Memorandum.

Pursuant to Fed. R. Civ. P. 23(e), Plaintiff respectfully requests that the Court enter an Order: (a) finally approving the Settlement Agreement; (b) finally certifying the proposed Settlement Class as defined in the Settlement Agreement; (c) entering a judgment dismissing the Plaintiff's amended complaint on the merits and with prejudice in favor of the Defendants and against all persons or entities who are Settlement Class Members herein who have not requested exclusion from the Settlement Class; and (d) granting such other and further relief as may be appropriate.

This Motion is supported by the Settlement Agreement; Plaintiff's Memorandum of Law in Support of Unopposed Motion for Certification of a Settlement Class and Final Approval of Class Action Settlement; the Declaration of Hassan Zavareei; the Declaration of Ricky Borges; all pleadings filed in this case; and such additional evidence or argument as may be presented to the Court. Pursuant to LR 7.1(b), the parties have conferred, and Bank of America's counsel has advised Plaintiff's counsel that Defendant does not contest this motion.

WHEREFORE, based on the foregoing, and for the reasons set forth in the accompanying Memorandum of Law, we respectfully urge the Court to grant Plaintiff's Motion, for which a Proposed Order is attached to this motion.

Dated: July 5, 2016

/s/ Hassan Zavareei
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Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2016, I filed the foregoing document with the Court's CM ECF filer, thereby causing a true and correct copy to be delivered to all ECF-registered counsel of record.

/s/ Hassan A. Zavareei
Hassan A. Zavareei

FILER'S ATTESTATION

Pursuant to Local Rule 7.1(b), the undersigned attests that all parties have concurred in the filing of this uncontested Motion.

Dated: July 5, 2016

/s/ Hassan A. Zavareei
Hassan A. Zavareei

Counsel for Plaintiff